

RESOLUTION NO. 2024-096

**RESOLUTION OF THE COUNTY COMMISSION OF
BALDWIN COUNTY, ALABAMA,
AUTHORIZING AND CONSENTING TO THE TRANSFER OF
OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR
PORTIONS OF NW 1ST STREET, SW 1ST STREET,
COUNTY ROAD 71 S, E BROADWAY AVENUE,
AND W BROADWAY AVENUE**

WHEREAS, the following are rights-of-way inside or abutting the corporate limits of the Town of Summerdale: (i) NW 1st Street from the intersection of E Broadway Avenue approximately 1,320 feet north to the intersection of W Shriver Avenue; (ii) SW 1st Street from the intersection of State Highway 59 approximately 6,200 feet north to the intersection of E Broadway Avenue; (iii) County Road 71 S from the intersection of County Road 28 approximately 4,080 feet north to the intersection of State Highway 59; (iv) W Broadway Avenue from the intersection of State Highway 59 approximately 2,500 feet east to the intersection of SW 1st Street; and (v) E Broadway Avenue from the intersection of SW 1st Street approximately 5,400 feet east to the intersection of County Road 73 (collectively “Summerdale Roads”); and

WHEREAS, an accurate description of the Summerdale Roads, together with a map with legal descriptions thereof showing its relationship to the corporate limits of the Town of Summerdale, is attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, the portions of the Summerdale Roads that are not already the responsibility of the Town of Summerdale have been County-maintained streets for a period of at least one (1) year prior to the effective date of this instrument; and

WHEREAS, Baldwin County has found and determined that allowing the Town of Summerdale to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Summerdale Roads is in the best interest of Baldwin County; and

WHEREAS, the Summerdale Roads subject to this agreement are bounded on both sides by the corporate limits of the Town of Summerdale as a result of annexation of territory after July 7, 1995, or located within the Town of Summerdale but responsibility is vested in the County; and

WHEREAS, in order to clarify and simplify the Town of Summerdale’s assumption of responsibility for the Summerdale Roads in accordance with *Code of Alabama*, §11-49-80(b), (c), and (d), the Baldwin County Commission is submitting its consent and petition to the Town of Summerdale to annex the Summerdale Roads and to assume the responsibility thereof; and

WHEREAS, Baldwin County has the legal authority to carry out the intent of this resolution pursuant to *Code of Alabama*, §11-49-80 and other state laws and constitutional amendments; and

WHEREAS, the Town of Summerdale desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Summerdale Roads in order to facilitate the orderly development and maintenance of this area in its corporate limits.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin County Commission as follows:

Section 1. That the Baldwin County Commission hereby consents to and petitions for the annexation of the Summerdale Roads by the Town of Summerdale pursuant to *Code of Alabama*, §§11-49-80(c), and (d) and 11-42-20 to 24.

Section 2. That the Chairman of the Baldwin County Commission and other appropriate County officials are hereby authorized to execute and deliver such documents or agreements to the Town of Summerdale as are necessary or requested to carry out the intent of this Resolution.

Section 3. To the extent that portions of the Summerdale Roads, if any, are already located within the corporate limits of the Town of Summerdale, but responsibility is vested in the County, the Baldwin County Commission hereby consents to the assumption of responsibility of said portion or portions of the Summerdale Roads by the Town of Summerdale, pursuant to *Code of Alabama*, §11-49-80(b), in addition to its annexation or re-annexation as described herein. In accordance with *Code of Alabama*, §11-49-81, the Town of Summerdale's assumption of responsibility for the Summerdale Roads is in exchange for the County agreeing that it shall resurface, one time, the Summerdale Roads and street parking per Exhibit B with a minimum one inch (1") overlay, including all existing crosswalks and striping, and install an additional one-foot (1') paved shoulder and add cross drain headwalls to SW 1st Street from Hamm Avenue to State Highway 59. The Baldwin County Commission and the Town of Summerdale respectively acknowledge and agree that this one-time resurfacing has been scheduled to occur as soon as possible as consideration for this transfer and may be completed prior to the transfer of maintenance. The Baldwin County Commission and the Town of Summerdale agree that said consideration is a reasonable charge for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of the roads described herein.

Section 4. If any part, section or subdivision of this Resolution shall be held to be illegal, invalid or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Resolution which shall continue in full force and effect notwithstanding such holding.

ADOPTED and **APPROVED** by the County Commission of Baldwin County, Alabama, on the _____ day of _____, 2024.

BALDWIN COUNTY COMMISSION

By: _____
BILLIE JO UNDERWOOD
Its: Chairman

ATTEST:

ROGER H. RENDLEMAN
County Administrator